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INTELLIGENCE

Backlash over All those Leaks

"The issue has become how to keep secrets rather than how to preserve freedom," said Idaho Democrat Frank Church, the disheartened chairman of the Senate Intelligence Committee. Though exaggerated, Church's complaint reflected the growing gloom in Congress over the Senate and House investigations of the CIA, FBI and other U.S. undercover agencies. The probe has been discredited by the inability of many Congressmen and their staffers to keep a secret. Result: there is as much worry over leaks as there is over the abuses that were leaked.

The controversies grew more intense last week. Excerpts running to 21 pages from the supposedly secret report of the House Intelligence Committee staff appeared in New York's fulminant weekly *Village Voice* (see THE PRESS). Although the House had overruled the committee by 246 to 124 and banned publication of the report, most of it had been leaked previously to reporters (TIME, Feb. 9). Thus there was really nothing new in the published excerpts, except for some minor details to support the committee's charges.

Fallen Down. The charges include now familiar allegations that the CIA has repeatedly fallen down on the job, that the agency should have been able to predict the 1968 Communist *Tet* offensive in South Viet Nam, the 1973 Middle East war and 1974 coups in Portugal and Cyprus. Further, the report contends that the CIA's covert operations are "irregularly approved, sloppily implemented and at times have been forced on a reluctant CIA by the President and his National Security Adviser," who until November was Secretary of State Henry Kissinger.

Publication of the report outraged the Administration and Kissinger. He is censured by the report for having "a passion for secrecy" and issuing statements "at variance with facts." Already depressed and testy, Kissinger was at the outer limits of his self-control when asked at a press conference about the House committee's charges. He exploded, accusing the committee of misusing classified information "in a tendentious, misleading and totally irresponsible fashion [that] has already done damage to the foreign policy of the U.S." Kissinger charged the committee with practicing "a new version of McCarthyism" and called its report "a malicious lie."

Actually, the leaked report played right into the hands of the growing number of critics who argue that the investigations have weakened the needed secret agencies. The backlash over the leaks threw the congressional investigators fur-

ther on the defensive, just as both committees were winding up their probes. The weak and fumbling House committee, headed by zealous New York Congressman Otis Pike, disbanded last week, and Church's Senate panel, which has been less accident-prone, is to wind up by March 1. As a result, the Administration had an opportunity to push its own proposals for reform of U.S. intelligence agencies.

TIME Correspondent Strobe Talbott reported that President Ford plans this week to set clear limits on the agencies' authority. For example, he will reaffirm the prohibition against domestic under-



PIKE JUST BEFORE HIS PANEL DISBANDED
Not much more sunshine on the CIA?

cover work by the CIA. Presidential Counselor John O. Marsh worked through the weekend polishing the President's reform program, but the broad outlines were set by Ford last week on the basis of five months of research by his staff. Ford intends to unveil measures that will preserve much of the agencies' structure but subject them to more Executive oversight and control. Highlights:

► He will give sweeping new investigative powers to the inspectors general in the major agencies—CIA, FBI, Defense Intelligence Agency, National Security Agency and the State Department's Bureau of Intelligence and Research. They will be charged with reporting abuses to a new oversight board that Ford will create in the Executive Branch. It will consist of a small number of distinguished citizens, perhaps only three or four, who will relay reports of abuses to Ford and the U.S. Attorney

General for disciplinary action or even prosecution. The board does not yet have a name. One aide suggested the Foreign Intelligence Board, but Ford smiled and said no because it would become known by its initials, FIB. Besides, the name would be too similar to that of the existing Foreign Intelligence Advisory Board, which serves primarily as a liaison between the intelligence community and private industry.

► He will order the 40 Committee, which reviews and approves the CIA's clandestine activities on the President's behalf, to meet more regularly and more formally. Until recently, the committee was run almost entirely by Kissinger, who often conducted business with other members by telephone. The committee's members now are mostly deputy department heads, but Ford is considering giving the body more clout by appointing full Cabinet members. In exchange for his strengthening the 40 Committee, Ford may ask Congress to repeal the 1974 law that requires him to tell several congressional subcommittees of all covert CIA operations and certify the need for them. Former CIA Director William Colby charges that Congressmen have disclosed every major covert operation reported to them under that law.

► He plans to recommend that Congress set up a single joint committee to oversee U.S. intelligence operations, rather than the separate House and Senate bodies that many Congressmen have proposed. The President will also urge Congress to make it a crime for a past or present employee of the secret agencies to disclose "the sources and methods" of intelligence gathering. The House and Senate already have rules prescribing penalties for Congressmen who leak secrets, but the rules have never been enforced.

Ford firmly rejects the more extreme proposals of congressional critics of the intelligence agencies. Among them are suggestions that a permanent special prosecutor be appointed to prosecute wrongdoing by undercover agents, that the intelligence budget be made public, and that Congress be permitted to exercise veto power over covert CIA operations before they are begun.

Indeed, support for all the more extreme proposals has been fast dwindling in Congress. In its final report, for instance, the Pike committee said only that such operations should be revealed to a proposed new House oversight committee "within 48 hours of initial approval." Voicing a widespread view, Democratic Representative William Hungate of Missouri says: "The tide is falling. The impetus for congressional oversight and sunshine on the CIA and the other agencies has pretty well died out." Thus many Congressmen seem ready to accept Ford's modest reform proposals as the best that can be salvaged from the wreckage of the congres-